

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

X

CHARLES BOYD,

1:23-cv-02330-RWL

Plaintiff,

v.

LAYER CAKE CREATIVE SERS, LLC et al

Defendants.

X

X

September 12, 2023

Antony J. Constantini, Esq.
Duane Morris LLP
1540 Broadway
New York, NY 10036
Email: AJCostantini@duanemorris.com
By: Email

Dear Mr. Constantini:

Together we represent all parties to the above-captioned action. We write concerning the Court-ordered mediation to provide some further background to the case, and to request that we be permitted to include counsel from a pending New Jersey action that is a companion case to this one. We believe that no settlement is possible that is not global and inclusive of the New Jersey action. However, we also believe that mediation may very well be productive in resolving both lawsuits.

The case before the Court follows on almost four years of litigation in New Jersey, under Boyd v. Clark, et. al. HUD L-000752-20. That case maintains the same underlying dispute between former equal partners, or Members, of Grind Coffee, LLC. However, this SDNY case alleges other causes of action and additional damages, as may have been revealed in disclosure through the New Jersey action. Mr. Horenstein represents the Defendants solely in this case, and not in New Jersey.

With this in mind, it is pragmatic to include Mr. Brian Rader, Esq., attorney for the Defendants in the New Jersey action, who is admitted in NY (although not SDNY) to participate in the

mediation. As noted above, we would need to resolve the New Jersey case, too. Mr. Rader has the background to the companion case and the trust of his clients, the Clarks, to ensure that all the issues are plainly on the table for your consideration and mediation. And, certainly, situations like this are not uncommon at law when disputes may have different elements in different jurisdictions.

If you can consent to this accommodation, we would jointly determine an initial date for mediation. Should you require further clarification, or have any questions or concerns in resolving this issue, we would make ourselves available for a conference call.

We thank you in advance for your consideration.

Sincerely,

/s/ Edward Carlson

Edward Carlson
Attorney for Plaintiff

/s/ Mike Horenstein

Mike R. Horenstein
Attorney for Defendants